



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,643	11/14/2001	David Botstein	P2730P1C13	4960
35489	7590	12/16/2008	EXAMINER	
GOODWIN PROCTER LLP 135 COMMONWEALTH DRIVE MENLO PARK, CA 94025			ART UNIT	PAPER NUMBER

DATE MAILED: 12/16/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

### **ATTACHMENT**

This application was reviewed by the Board of Patent Appeals and Interferences, and determined not to be ready for docketing. Please see Notice to this effect mailed 05 December 2008. Specifically, the Board found that section (ii) *Related appeals and interferences* of the Appeal Brief of 14 April 2008 was incomplete. Section (ii) fails to mention Application Serial No. 09/941,992, which contains an Appeal Brief filed on 10 April 2008. The Board notes that the present application is a continuation of 09/941,992, thus making it related. The Board requires a paper in compliance with 37 CFR § 41.37(c) correcting the "Related appeals and interferences" section. The Board notes that submission of an entire new Appeal Brief is not necessary. The examiner agrees, as the issues have been extensively discussed by both the examiner and the Appellant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth C. Kemmerer, Ph.D. whose telephone number is (571) 272-0874. The examiner can normally be reached on Monday through Friday, 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, Ph.D. can be reached on (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1646

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ECK/

08 December 2008

/Elizabeth C. Kemmerer/  
Elizabeth C. Kemmerer, Ph.D.  
Primary Examiner, Art Unit 1646